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6 Attorneys for Plaintiffs

7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**

9 JOHN ADENA, Deceased, by and through his Co-)
10 Successors in Interest, CIRCE ADENA and)
11 RICHARD ADENA; CIRCE ADENA, Individually,)
and RICHARD ADENA, Individually,)

12 Plaintiffs,) Case No. 2:21-cv-00770-MCE-DMC
13 vs.)

14 SHASTA COUNTY, a public entity; SHASTA) **STIPULATION AND ORDER TO**
15 COUNTY SHERIFF-CORONER TOM BOSENKO,) **MODIFY PRETRIAL**
in his individual capacity; CAPTAIN DAVE KENT;) **SCHEDULING ORDER (Doc. 74)**
16 SHASTA COUNTY JAIL DEPUTIES KIRK)
17 SCHRITTER, DEVIN HURTE, DEPUTY DIAZ,)
EMMANUAL ALCAZAR, ZACHARY)
18 JURKIEWICZ, JOSEPH GRADY, NATHANIAL)
NEVES, HECTOR CORTEZ; CALIFORNIA)
19 FORENSIC MEDICAL GROUP, INC., a California)
Corporation; WELLPATH MANAGEMENT, INC., a)
20 Delaware Corporation; WELLPATH LLC, a)
Delaware Limited Liability Company; TRACY)
21 LEWIS, L.M.F.T.; PAM JOHANSEN, L.C.S.W.;)
DANIEL DELLWO, P.A.; and DOES 1-20;)
22 individually, jointly and severally,)
23)
24)
25)
26 Defendants.)

1 All parties, by and through their counsel of record, stipulate and hereby move this Court to
2 modify the Scheduling Order (Doc. 74). Good cause exists to grant the requested extension:

3 1. This is a complicated wrongful death civil rights case involving Shasta County jail
4 deputies and Wellpath correctional health care personnel. The case involves seventeen named
5 Defendants represented by two separate law firms. The parties are represented by experienced
6 counsel who have worked together before on several cases, and counsel have worked cooperatively
7 throughout the litigation they have handled together.

8 2. On August 11, 2023, Plaintiffs filed a First Amended Complaint naming an
9 additional medical corporation, California Forensic Medical Group, Inc., as a defendant. On
10 November 1, 2023, the Wellpath Defendants moved to dismiss Plaintiffs' First Amended
11 Complaint. The motion was submitted on the papers and is currently pending.

12 3. The parties have engaged in extensive written and deposition discovery and have
13 resolved several discovery disputes through meet and confer efforts. The parties anticipate that
14 almost all discovery will be completed within the current deadlines. The exception is for
15 documents and depositions concerning the Wellpath Defendants' financial condition related to
16 Plaintiffs' punitive damages claims, concerning which Plaintiffs and corporate Wellpath Defendants
17 are continuing extensive meet and confer efforts. Currently, Wellpath corporate Defendants and
18 their counsel are reviewing Plaintiffs' demands to produce further unredacted financial records,
19 pursuant to the protective order. If the parties are able to agree on potentially relevant and
20 discoverable documents informally, then after receiving such documents, Plaintiffs will have them
21 reviewed by their accounting expert, then Plaintiffs will depose previously noticed Rule (30)(b)(6)
22 Person Most Knowledgeable (PMK) witnesses to be produced by Wellpath Defendants on mutually
23 available dates. If, on the other hand, the parties are not able to agree on potentially relevant and
24 discoverable financial documents, then Plaintiffs and Wellpath Defendants will need to finish
25
26
27
28

1 drafting a (hopefully more focused) joint discovery brief for resolution by the court on a full
 2 discovery motion. If the motion is granted, then Plaintiffs can proceed with expert examination of
 3 documents and depositions of Wellpath PMK witnesses. Plaintiffs and Wellpath Defendants
 4 estimate that an additional ninety days beyond current deadlines should be sufficient to complete all
 5 financial position discovery, including a discovery motion if necessary.

6 4. Furthermore, since the Wellpath financial position discovery necessitating the partial
 7 extension of discovery deadlines is only relevant to punitive damages, that financial information in
 8 dispute will not be necessary for dispositive motions or for disclosure of other liability and
 9 damages-related experts.

10 5. For these reasons, Plaintiffs and Wellpath Defendants jointly request to carve out
 11 approximately 90-day extensions of certain existing pre-trial deadlines to resolve the pending
 12 dispute regarding Wellpath financial records and related depositions and expert disclosures. County
 13 Defendants would not be affected by this continuance and do not object.

14 6. The parties therefore stipulate to a brief continuance of limited dates in this matter as
 15 follows:

<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
Close of Fact Discovery (not including concerning Wellpath corporate Defendants' financial position)	August 23, 2024	UNCHANGED
Close of Fact Discovery concerning Wellpath corporate Defendants' financial position	August 23, 2024	November 29, 2024
Expert Disclosures (not including concerning Wellpath corporate Defendants' financial position)	October 11, 2024	UNCHANGED

Expert Disclosures concerning Wellpath corporate Defendants' financial position	October 11, 2024	January 10, 2025
Rebuttal Expert Disclosures (not including concerning Wellpath corporate Defendants' financial position)	November 6, 2024	UNCHANGED
Rebuttal Expert Disclosures concerning Wellpath corporate Defendants' financial position	November 6, 2024	February 7, 2025
Joint Notice of Trial Readiness (if no dispositive motions)	December 20, 2024	March 21, 2024
Dispositive Motion filing deadline	January 24, 2025	UNCHANGED

For the foregoing reasons, the parties respectfully request that this Court enter an Order modifying the schedule in this case as set forth above.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: July 2, 2024

HADDAD & SHERWIN LLP

/s/ Michael J. Haddad

MICHAEL J. HADDAD
Attorneys for Plaintiffs

Dated: July 2, 2024

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ELLROD, RAMIREZ, TRESTER LLP

/s/ Lynn Carpenter

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1 DEVIN HURTE, OMAR DIAZ, EMMANUEL
2 ALCAZAR, ZACHARY JURKIEWICZ, JOSEPH
3 GRADY, NATHANIAL NEVES, and HECTOR
4 CORTEZ

5 Dated: July 2, 2024

6 GORDON REES SCULLY MANSUKHANI, LLP

7 */s/ Allison Becker*
8

9 LINDSEY M. ROMANO
10 ALLISON BECKER
11 Attorneys for Defendants
12 CALIFORNIA FORENSIC MEDICAL GROUP,
13 INC., WELLPATH MANAGEMENT, INC.,
14 WELLPATH LLC; TRACI LEWIS, L.M.F.T; PAM
15 JOHANSEN, L.C.S.W.; DANIEL DELLWO, P.A.

ORDER

Based on the parties' stipulation, and with good cause appearing, IT IS HEREBY ORDERED that the Pretrial Scheduling Order (Doc. 74) is modified as follows:

<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
Close of Fact Discovery (not including concerning Wellpath corporate Defendants' financial position)	August 23, 2024	UNCHANGED
Close of Fact Discovery concerning Wellpath corporate Defendants' financial position	August 23, 2024	November 29, 2024
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Joint Notice of Trial Readiness (if no dispositive motions)	December 20, 2024	March 21, 2025
Dispositive Motion filing deadline	January 24, 2025	UNCHANGED

IT IS SO ORDERED

Dated: July 8, 2024


MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE
U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA